

### Basis for Claim Decisions

**ELIGIBILITY – Eligibility determination is made based upon information in the police report and other supporting documentation, in accordance with the Crime Victims Compensation Act**

1. Does the police report confirm that a compensable crime occurred pursuant to 21 O.S. § 142.3(5)?
2. Was the crime reported to law enforcement officials within 72 hours of the incident? If not, is there good cause to waive the 72 hours reporting requirement?
3. When did the crime occur (examine correct statute that was in effect at time of crime to determine filing deadline)?
4. Was the claim received within one year of the incident or death of the victim? If not, was there good cause to waive the one year requirement and extend to two years?
5. Is the victim a child? If so, was the claim filed within one year of disclosure to a responsible adult? If not, is there enough evidence to waive the filing deadline (child sexual assault cases)?
6. Does the evidence show the victim was not the offender or accomplice?
7. Does the evidence show that compensation would not benefit the offender or accomplice?
8. Have expenses been submitted for consideration (e.g. medical bills, counseling bills, lost wages)? If so, are the expenses directly related to the incident (examine injury date and compare with medical bills; for work loss, review employer's certificate and physicians release to return to work)?
9. Are there any collateral sources (e.g. insurance, restitution, etc.) and have those collateral sources been deducted from the net loss requested?
10. Were the victim and claimant cooperative with the appropriate law enforcement agencies (e.g. police, sheriff, district attorney's office)? If lack of cooperation is indicated, did the lack of cooperation lead to no arrests or convictions in the criminal case or the inability of the Crime Victims Compensation Program to make an informed decision on the claim?
11. Do the facts of the case, as stated in the police report and investigative reports, indicate the victim contributed in any way to the injury or death upon which the claim is based? If yes, to what degree was the contributory conduct?

### **Victim Information (Person who was injured, killed, or was in the direct threat of violence)**

1. Does the police report reflect that the victim listed on the claim is deceased, injured, or an eyewitness in the direct threat of violence?
2. Does the evidence included in the claim confirm the victim suffered physical or psychological injuries or death as a result of the crime?

## **Claimant Information (Person who was injured, killed, or was in the direct threat of violence)**

1. Is the claimant the victim?
2. Is the claimant a dependent of a victim who died as a result of the criminally injurious conduct?
3. Is the claimant a person authorized to act on behalf of the victim or claimant?

## **Collateral Sources**

1. Are collateral sources adequately identified in the claim and have they been deducted from the amount requested (e.g. insurance, workers' compensation, burial insurance, restitution paid by the offender)?
2. Is there a pending civil suit?

## **Expenses**

### *Funeral Expenses*

1. Is there a death certificate showing the cause of death?
2. Is the cause of death listed as a homicide?
3. Is there a burial contract included in the claim, and a certificate showing expenses and amounts paid from the funeral director?
4. Is the claimant the person who signed as the responsible party on the funeral contract?
5. Are the expenses greater than the amount allowable by statute (\$7,500)?
6. Who is to be reimbursed for the funeral expenses?
7. Is there adequate information to reimburse the expense (name, address, social security number of person who paid the expense)?
8. If expenses are owed to the funeral home, has an FEI number been provided?

### *Traditional American Indian Services*

Is there sufficient documentation of expenses for reimbursement of traditional American Indian services?

### *Future Economic Loss*

1. Are there estimates for medical or dental treatment provided with details as to the procedures to be performed from a licensed medical practitioner?
2. Are the expenses reasonable and necessary?
3. Will the provider accept the maximum award of 80% of what is requested or the prorated amount based on the total expenses claimed?

### *Lost Wages / Loss of Support*

1. Is there verification of income from the employer?
2. Is there verification that the victim missed work as a result of the incident and the amount of time the victim was unable to work?
3. Is there proper documentation of lost wages for caregiver work loss?
4. Are there collateral sources for this work loss such as social security, annual or sick leave, or restitution paid by the offender?

Medical/Dental/Rehabilitation

1. Are expenses directly related to the crime for (e.g. doctor exams, medical equipment, dental work, hospital expenses and prescriptions; physical therapy, rehabilitative occupational training and other remedial treatment and care)?
2. Has the balance of the medical bills owed to service providers been verified?

Counseling for Victims / Mental Health

1. Counseling for the direct victim - Is there a mental health treatment report included?
2. Does the counselor confirm the counseling is directly related to the criminally injurious conduct vs pre-existing conditions?
3. If counseling exceeds \$3,000, has the mental health provider adequately shown that the case is extreme and more treatment is necessary?
4. For in-patient treatment, do the treatment records adequately show the treatment is directly related to the crime?
5. For Crisis (Grief) Counseling, was the counseling initiated within 3 years of the homicide?

Replacement Services

1. Were the expenses reasonably incurred and paid by the claimant to obtain ordinary and necessary services in place of those the victim would have performed for the benefit of self or family, if the victim had not been injured or died (e.g. mowing, cleaning, cooking, child care)?
2. Are there adequate receipts documenting who provided the service and contact information?
3. Is there adequate proof that payment was made by the claimant for the service?

Crime Scene Cleanup and Impound Fees

1. Did the victim or claimant own the property where the crime scene occurred and did they incur out-of-pocket losses as a result of the crime?
2. Is there adequate documentation of what was done to clean the crime scene and by whom?
3. If impound fees are being requested, a) was the victim/claimant responsible for paying those fees, b) are the fees associated with a violent crime occurring in the vehicle, and c) was the vehicle held for evidentiary purposes?

Travel

1. Is the mileage request supported by medical or counseling visit documentation?
2. Is there evidence the medical and counseling visits were directly related to the crime?
3. Is there mapquest documentation in the file showing the exact miles traveled for each appointment?